

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)**

JOHNSON ELECTRIC NORTH AMERICA, INC.,	:	Case No. 3:19-cv-00146-WHR
	:	Judge Walter H. Rice
	:	Magistrate Judge Gentry
Plaintiff,	:	
	:	
v.	:	<u>DEFENDANT’S UNOPPOSED MOTION</u>
	:	<u>FOR LEAVE TO FILE UNDER SEAL</u>
	:	<u>REPLY IN SUPPORT OF MOTION FOR</u>
HONEYWELL INTERNATIONAL INC.,	:	<u>LEAVE TO FILE SURREPLY</u>
	:	
Defendant.	:	
	:	

Pursuant to S.D. Ohio Civ. R. 5.2.1, Defendant Honeywell International Inc. (“Honeywell”) moves the Court for an Order to seal its Reply in Support of Motion for Leave to File Surreply to Plaintiff Johnson Electric North America, Inc.’s Reply in Support of Motion to Enforce Compliance (Doc. 160) on the basis that it will contain restricted and confidential information subject to the Court’s Protective Order (Doc. No. 44).

Honeywell’s Memorandum in support of this Motion is attached.

Respectfully submitted,

/s/Christine M. Haaker

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MEMORANDUM IN SUPPORT

On September 9, 2022, Plaintiff Johnson Electric North America, Inc. (“Johnson Electric”) filed a Motion to File Document Under Seal (Doc. No. 154), which the Court granted on September 12, 2022 (Doc. No. 155). On September 12, 2022, Johnson Electric filed a Motion to Enforce Compliance with the Court’s February 24, 2022, Order to Produce Documents (“Motion”) (Doc. 156) under seal. On October 3, 2022, Honeywell filed its Memorandum in Opposition to Enforce Compliance (Doc. 158) under seal. On October 17, 2022, Johnson Electric filed its Reply (Doc. 160) under seal. On October 21, Honeywell filed a Motion to File Document Under Seal (Doc. 162), which the Court granted on November 3, 2022. On November 4, 2022, Honeywell filed a Motion for Leave to File Surreply (Doc. 163). On November 11, 2022, Johnson Electric filed a Motion to File Document Under Seal (Doc. No. 164), which the Court granted on November 21, 2022. On November 22, 2022, Johnson Electric filed its Memorandum in Opposition to Motion for Leave to File Surreply (Doc. 165).

Pursuant to S.D. Ohio Civ. R. 5.2.1, Honeywell moves the Court for an Order to file its Reply in Support of Motion for Leave to File Surreply to Johnson Electric’s Memorandum in Opposition (“Reply”) under seal. The Reply and any exhibits thereto will contain references to the sealed Motion to Enforce Compliance (Doc. 156), Honeywell’s Memorandum in Opposition (Doc. 158), Johnson Electric’s Reply (Doc. 160), Honeywell’s Motion for Leave to File Surreply (Doc. 163), and Johnson Electric’s Memorandum in Opposition (Doc. 165), as well as likely additional confidential, proprietary, and/or other commercially sensitive information that is not publicly available and should not be publicly available that has been marked for protection as such by one or both parties pursuant to the Protective Order (Doc. No. 44). The Reply in Support of Motion for Leave may also quote, discuss and possibly summarize the restricted confidential

information contained in those exhibits and/or the exhibits attached to and/or referenced in the parties' prior filings.

“Every court has supervisory power over its own records and files.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978); *see also In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 474 (6th Cir. 1983), *cert. denied*, 522 U.S. 1142 (1998). Thus, trial courts have the power to seal their records when privacy interests outweigh the public's interest in access to court records. *In re: Knoxville News-Sentinel Co., Inc.*, 723 F.2d at 474 (citing *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1179 (6th Cir. 1983)). Specifically, the United States Supreme Court has recognized that protecting a party's proprietary and confidential business information is a legitimate interest that a court should weigh against the public's general interest in maintaining access to judicial records. *Nixon*, 435 U.S. at 598 (“courts have refused to permit their files to serve as . . . sources of business information that might harm a litigant's competitive standing”).

Pursuant to Loc. R. 7.3(b), on Tuesday, November 29, 2022, Honeywell asked Plaintiff, through its counsel, to consent to this Motion, and Plaintiff responded by giving consent.

Respectfully submitted,

/s/Christine M. Haaker

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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